

1 HON. JOHN C. COUGHENOUR
2
3
4
5
6
7
8
9
10

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

11 SIERRA CLUB, a California nonprofit
12 corporation; PUGET SOUNDKEEPER
13 ALLIANCE, a Washington nonprofit
14 corporation; RE SOURCES FOR
15 SUSTAINABLE COMMUNITIES, a
16 Washington nonprofit corporation;
17 COLUMBIA RIVERKEEPER, a Washington
18 nonprofit corporation; FRIENDS OF THE
19 COLUMBIA GORGE, INC., dba FRIENDS
20 OF THE COLUMBIA GORGE, an Oregon
21 nonprofit corporation;

Plaintiffs,

v.

22 BNSF RAILWAY COMPANY, a Delaware
23 corporation; CLOUD PEAK ENERGY, Inc., a
24 Delaware corporation; PEABODY ENERGY
CORPORATION; a Delaware corporation;
GLOBAL MINING HOLDING CO., LLC, a
Delaware limited liability company;
FIRSTENERGY CORP., an Ohio corporation;
AMBRE ENERGY NORTH AMERICA,
INC., a Delaware corporation,

Defendants.

CIVIL No. 2:13-cv-00967-JCC

NOTICE OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE AS TO
DEFENDANTS CLOUD PEAK
ENERGY, INC.; PEABODY ENERGY
CORPORATION; GLOBAL MINING
HOLDING CO., LLC; FIRSTENERGY
CORP.; AND AMBRE ENERGY
NORTH AMERICA, INC.

NOT OF DISMISSAL - 1
W/OUT PREJUDICE

Andrea K. Rodgers Harris
Of Counsel
Western Environmental Law Center
2907 S. Adams Street
Seattle, WA 98108
Tel: 206-696-2851

Charles M. Tebbutt
Daniel M. Galpern
(*pro hac vice*)
Law Offices of Charles M. Tebbutt, PC
941 Lawrence St.
Eugene, OR 97401
Tel: 541-344-3505

Jessica Yarnall Loarie
(*pro hac vice*)
Sierra Club Environmental Law Program
85 Second St., 2nd Floor
San Francisco, CA 94105
Tel: 415-977-5636

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiffs hereby voluntarily dismiss, without prejudice, Defendants Cloud Peak Energy, Inc.; Peabody Energy Corporation; Global Mining Holding Co., LLC; FirstEnergy Corp.; and Ambre Energy North America, Inc. from this action. BNSF Railway Company remains a defendant in this case.

Respectfully submitted this 29th day of July, 2013,

s/ Charles M. Tebbutt
CHARLES M. TEBBUTT (*pro hac vice*)
DANIEL M. GALPERN (*pro hac vice*)
Law Offices of Charles M. Tebbutt, P.C.
941 Lawrence St.
Eugene, OR 97401
Tel: (541) 344-3505
E-mails: charlie.tebbuttlaw@gmail.com
galpern.tebbuttlaw@gmail.com

s/ Andrea K. Rodgers Harris
ANDREA K. RODGERS HARRIS
Of Counsel
Western Environmental Law Center
2907 S. Adams Street
Seattle, WA 98108
Tel: (206) 696-2851
E-mail: akrodgersharris@yahoo.com

Local Counsel for Plaintiffs

Counsel for Plaintiffs

s/ Jessica Yarnall Loarie
JESSICA YARNALL LOARIE
(*pro hac vice*)
Sierra Club Environmental Law Program
85 Second St, 2nd Floor
San Francisco, CA 94105
Tel: (415) 977-5636
E-mail: jessica.yarnall@sierraclub.org

Counsel for Plaintiff Sierra Club

NOT OF DISMISSAL - 2
W/OUT PREJUDICE

Andrea K. Rodgers Harris
Of Counsel
Western Environmental Law Center
2907 S. Adams Street
Seattle, WA 98108
Tel: 206-696-2851

Charles M. Tebbutt
Daniel M. Galpern
(*pro hac vice*)
Law Offices of Charles M. Tebbutt, PC
941 Lawrence St.
Eugene, OR 97401
Tel: 541-344-3505

Jessica Yarnall Loarie
(*pro hac vice*)
Sierra Club Environmental Law Program
85 Second St., 2nd Floor
San Francisco, CA 94105
Tel: 415-977-5636

CERTIFICATE OF SERVICE

I hereby certify that on JULY 29, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to the following:

Lily N. Chinn
Beveridge & Diamond PC
456 Montgomery St., Ste 1800
San Francisco, CA 94104
Tel: (415) 262-4012
lchinn@bdlaw.com

Denise L. Ashbaugh
Summit Law Group PLLC
315 Fifth Avenue S., Ste. 1000
Seattle, WA 98104
Tel: (206) 676-7000
denisea@summitlaw.com

Timothy M. Sullivan
Beveridge & Diamond PC
201 N. Charles Street, Ste. 2210
Baltimore, MD 21201
Tel: (410) 230-1355
tsullivan@bdlaw.com

Andrew C. Emrich
Holland & Hart LLP
2515 Warren Ave., Ste. 450
P.O. Box 1347
Cheyenne, WY 82001
Tel: (307) 778-4219
acemrich@hollandhart.com

Steven G. Jones
Marten Law Group
1191 Second Ave., Ste. 2200
Seattle, WA 98101
Tel: (206) 292-2629
sjones@martenlaw.com

Svend A. Brandt-Erichsen
Marten Law Group
1191 Second Ave., Ste. 2200
Seattle, WA 98101
Tel: (206) 292-2611
svendbe@martenlaw.com

s/ Daniel M. Galpern
DANIEL M. GALPERN (pro hac vice)
Law Offices of Charles M. Tebbutt, P.C.
941 Lawrence St.
Eugene, OR 97401
Tel: (541) 344-3505
galpern.tebbuttlaw@gmail.com